

Resolution Providing Appointment of State Superintendent of Education
S.J.R. 11
S.J.R. 11 S1

The following, with some minor editing and additions, are remarks made by Natalie Gordon, PTA trust lands commissioner at the Senate Hearing for SJR 11, Resolution Providing Appointment of State Superintendent of Education, sponsored by Sen. Greg Bell (of Farmington) on Wednesday, January 31:

At statehood, lands were set aside to benefit our public schools. These are our school trust lands. The state, as trustee, is required to have an undivided loyalty to the beneficiaries. The beneficiaries are represented by the State Board/Office of Education. Currently, the State Office of Education is directed by a superintendent who is appointed by the State Board of Education. Other agencies within state government that have competing interests with the trust lands are in the Executive Branch. These other interests include the Division of Natural Resources (Wildlife Resources, State Parks, Oil, Gas and Mining, etc), and they are currently under the umbrella of the Governor's Office. Even with the substitute language [of SJR 11 which provides that the Governor will appoint, "with consent of the State Board"], having the Superintendent of Public Instruction appointed by the Governor will have the beneficiaries' representative appointed by the same elected official that represents conflicting interests.

We [the State PTA] do not think this will facilitate the undivided loyalty that is required of the spokesperson for the beneficiaries.

Balances of power and democracy are messy. They are not always efficient, but they keep people honest. Also, the current system allows for greater voter participation in its selection of a State Superintendent who must be hired by a Board of 15 geographically, ideologically and philosophically diverse representatives of the people. These Board members were elected because of their interest in and familiarity with public education. This is not the perfect streamlined business model, but it is representative democracy at its finest and should not be replaced by a Governor's appointee who must serve two masters!

Sen. Romero asked Ms. Gordon several questions following her testimony. He asked her to give him specific examples of conflicting loyalties the Governor is currently experiencing. She noted that (1) the Governor's representative from the Division of Natural Resources (DNR) is applying pressure to SITLA to sell trust lands managed by SITLA near Tabby Mountain. The land is very valuable and DNR wants to buy it for roughly \$1400/acre. SITLA does not want to sell, maintaining that neighboring lands have sold for 225% of "fair market value." The State Superintendent and the USOE (supervisors of the trust lands specialists) must be independent voices on behalf of the beneficiaries, Utah's school children. (2) Ms. Gordon explained that DNR wants to pay a minimal amount for hunting rights on school trust lands and SITLA and the beneficiaries contend that payment for rights should benefit the trust adequately, consistent with SITLA's fiduciary responsibility to the beneficiaries.